

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE ENROLLED ACT No. 110

AN ACT to amend the Indiana Code concerning children.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-7-2-199.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 199.3. "Voucher agent", for purposes of IC 12-17.2-3.5, has the meaning set forth in IC 12-17.2-3.5-2.**

SECTION 2. IC 12-7-2-199.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 199.5. "Voucher payment", for purposes of IC 12-17.2-3.5, has the meaning set forth in IC 12-17.2-3.5-3.**

SECTION 3. IC 12-17.2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 3.5. Eligibility of Child Care Provider to Receive Reimbursement Through Voucher Program

Sec. 1. This chapter applies to all child care providers regardless of whether a provider is required to be licensed or registered under this article.

Sec. 2. As used in this chapter, "voucher agent" means a person who contracts with the division to process applications and reimbursement for the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99.



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Sec. 3. As used in this chapter, "voucher payment" means payment for child care through the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99.

Sec. 4. A provider who:

- (1) has been convicted of a felony; or
- (2) fails to meet the requirements set forth in sections 5 through 12 of this chapter;

is ineligible to receive a voucher payment.

Sec. 5. A provider shall have working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes in the area of the facility where the provider provides child care.

Sec. 6. (a) A provider who is an individual shall have an annual intradermal tuberculosis test.

(b) A provider shall assure that all individuals who are at least eighteen (18) years of age and who:

- (1) if the provider provides child care in the provider's home, reside with the provider; and
- (2) are employed at the facility where the provider provides child care;

have an annual intradermal tuberculosis test.

(c) A provider shall provide the results of the tests required under subsections (a) and (b) to the voucher agent.

Sec. 7. A provider shall have written plans for notifying parents regarding the following:

- (1) Illness, serious injury, or death of the provider.
- (2) Care in an emergency.
- (3) Emergency evacuation.

The plan required under subdivision (3) must be posted in a conspicuous location in the provider's facility.

Sec. 8. A provider who is an individual shall maintain current certification in:

- (1) infant and child CPR; and
- (2) first aid.

Sec. 9. A provider shall have at least one (1) working telephone in each facility where the provider provides child care.

Sec. 10. A provider shall conduct monthly documented fire drills in accordance with Article 13 of the Indiana fire code in each facility where the provider provides child care.

Sec. 11. A provider shall provide for a safe environment by ensuring that the following items are placed in areas that are

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inaccessible to the children in the provider's care:

- (1) Firearms and ammunition.
- (2) Poisons, chemicals, bleach, and cleaning materials.

Sec. 12. (a) A provider shall, at the provider's expense, provide to the voucher agent a copy of a limited criminal history for:

- (1) the provider;
- (2) if the provider provides child care in the provider's home, any individual who resides with the provider and who is:
 - (A) at least eighteen (18) years of age; or
 - (B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and
- (3) any individual who is employed at the facility where the provider provides child care.

(b) In addition to the requirement under subsection (a), a provider shall report to the voucher agent any:

- (1) police investigations;
- (2) arrests; and
- (3) criminal convictions;

not listed on a limited criminal history provided under subsection (a) regarding any of the persons listed in subsection (a).

Sec. 13. A local step ahead council may not require a child care ministry to meet any minimum standards in addition to the standards described in this chapter unless the additional standards are approved by the:

- (1) general assembly; or
- (2) division.

SECTION 4. IC 12-7-2-28.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.4. ~~(a)~~ "Child care center", for purposes of IC 12-17.2, means a **nonresidential** building where at least ~~seventeen (17)~~ **children receive one (1) child receives** child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

~~(b) The term includes a building where child care is provided to less than seventeen (17) children if the provider has applied for a license under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4.~~

SECTION 5. IC 12-7-2-33.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves

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any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. **Except as provided in IC 12-17.2-5-6.3(b)**, the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and

(2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 6. IC 12-17.2-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) Except as provided in subsection (e), the division may issue a license under this chapter only if the child care center is staffed, when children are being cared for, by at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the division.

(e) The requirement set forth in subsection (d) does not apply to a child care center that:

(1) serves only children who are at least thirteen (13) years of age and less **than** twenty-one (21) years of age; and

(2) has on duty, when the children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on ~~cardiopulmonary~~ **cardiopulmonary** resuscitation as required by the division.



(f) Upon request, the county ~~department of public welfare~~ **office of family and children** shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family and children concerning a licensed child care center.

SECTION 7. IC 12-17.4-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A license may be issued only if the child caring institution is in substantial compliance with food, health, safety, and sanitation standards under rules adopted by the division under IC 12-17.4-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.4-2-8.

(b) A license may be issued only if the child caring institution is in compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.4-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.4-2-8.

(c) The division may issue a waiver or variance regarding a determination by the state fire marshal under subsection (b).

(d) Except as provided in subsection (e), the division may not issue a license under this chapter unless the child caring institution is staffed by, when children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the division.

(e) The requirement under subsection (d) does not apply to a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age. However, a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age must have on duty, when children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on cardiopulmonary resuscitation as required by the division.

SECTION 8. IC 12-17.2-5-6.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6.3. (a) To qualify for a license to operate a class I child care home under this chapter, a person must do the following:**

(1) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.

(2) Provide documentation to the division that the licensee:



- (A) has completed;
- (B) is enrolled in; or
- (C) agrees to complete within the next three (3) years;
a child development associate credential program or a similar
program approved by the division.

The division may grant a waiver or variance of the requirement under subdivision (2).

(b) A class I child care home may serve a school age child during a break in the school year that exceeds four (4) weeks if the following conditions are met:

- (1) The school age child:
 - (A) was in the home part time during the four (4) months preceding the break; or
 - (B) has a sibling attending the child care home.
- (2) The child care home meets the following requirements:
 - (A) Provides at least thirty-five (35) square feet for each child.
 - (B) Maintains the child to staff ratio required under rules adopted by the division for each age group of children in attendance.
 - (C) Provides age appropriate toys, games, equipment, and activities for each age group of children enrolled.
 - (D) If the licensee does not reside in the child care home, the child care home has:
 - (i) at least two (2) exits that comply with the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission;
 - (ii) an illuminated exit sign over each required exit; and
 - (iii) emergency lighting for each required exit.
- (3) The licensee for the child care home has maintained a class I child care home license for at least twelve (12) children:
 - (A) for at least one (1) year; and
 - (B) without any citations for noncompliance.

SECTION 9. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

- (1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety



commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

- (A) hard wired to the building's electrical system; and
- (B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

~~(7) Reside in the child care home.~~

~~(8)~~ (7) Apply for a license before July 1, 1996, **or after June 30, 2001.**

~~(9)~~ (8) Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

- (1) a class I child care home license; or
- (2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 10. [EFFECTIVE JULY 1, 2001] IC 12-17.2-5-6.3(a), as added by this act, does not apply to a person who was issued a license for a class I child care home before July 1, 2001.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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